

OFFICIAL

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS Center, 80 South Eighth Street
Minneapolis, Minnesota 55402-2100 USA

FACSIMILE COVER SHEET

TELEPHONE: (612) 349-5740 TOLL FREE: 1-800 331-4537
FACSIMILE: (612) 349-9266

TOTAL NUMBER OF PAGES BEING SENT (INCLUDING COVER SHEET): 3

[] Original documents to follow by mail

[X] No originals will be sent

DATE: February 28, 2003

TO: Examiner Mark Ruthkosku
Group Art Unit: 1745

FAX #: 703-872-9310

PHONE #: 703-305-0587

Application No.: 09/845,985
Applicant: CHALONER-GILL et al.
Due Date: February 28, 2003

OUR REF.: 2950.20US01

FROM: Peter S. Dardi, Ph.D.
PHONE #: (612) 349-5746

Attached please find the following document for filing in the above-identified patent application:

- 1) Amendment in response to Office Action dated January 30, 2003.

Sincerely,

Peter S. Dardi

Peter S. Dardi, Ph.D.
Reg. No. 39,650

FAX RECEIVED
MAR 03 2003
GROUP 1700

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 703-872-9310 on the date shown below thereby constituting filing of same.

February 28, 2003
Date

Shari R. Thorndike
Shari R. Thorndike

THIS FACSIMILE TRANSMISSION CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE PARTY IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CALL PATTERSON, THUENTE, SKAAR & CHRISTENSEN COLLECT AT (612) 349-5740. DISTRIBUTION, REPRODUCTION OR ANY OTHER USE OF THIS TRANSMISSION BY ANY PARTY OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2950.20US01

Chaloner-Gill et al.

Confirmation No.: 2942

Application No.: 09/845,985

Examiner: M. Ruthkosky

Filed: April 30, 2001

Group Art Unit: 1745For: PHOSPHATE POWDER COMPOSITIONS AND METHODS FOR FORMING
PARTICLES WITH COMPLEX ANIONSAMENDMENTBox Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action of January 30, 2003, amendment to the above-identified patent application is requested.

In the Claims

Please cancel claims 22 to 45 without prejudice or disclaimer.

REMARKS

Claims 1-21 are pending. By this Amendment, claims 22-45 are canceled without prejudice.

The Examiner imposed a restriction requirement under 35 U.S.C. § 121 between four groups. The Examiner asserted that the claims as filed covered four distinct inventions. In view of the restriction requirement, Applicants have canceled claims 22-47 directed to groups III and IV. Applicants elect group I, claims 1-15 and 21, with traverse. In particular, under MPEP 804,

FAX RECEIVED
MAR 03 2003
GROUP 1700

Application No. 09/845,985

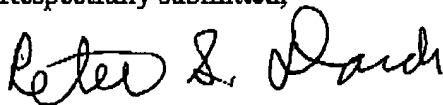
a restriction is proper only if there would be significant additional effort to examine the additional claims. In the present case, the claims in Group II depend from claim 1 in Group I. There is clear unity of inventive concept between the two groups, and no additional effort would be required to examine the groups together.

Applicants respectfully request examination of Group II claims 1 and 16-20 with the claims of Group I.

Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Peter S. Dardi, Ph.D.
Registration No. 39,650


Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5746

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 703-872-9310 on the date shown below thereby constituting filing of same.

February 28, 2003
Date


Shari R. Thorndike